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Remarks

Claims 2 through 30 remain pending in the application.

The declaration is rejected as defective. A replacement declaration is attached.

The Examiner has provisionally rejected claims 2, 3, 4, 6, 7, 9, 15, 21, 22, 29 and 30 under obviousness-type double patenting over claim 21 of copending application 10/686,186. A terminal disclaimer is attached to obviate this rejection.

The specification stands rejected under 35 U.S.C. § 112, first paragraph. The Examiner is confused about the orientation of the various figures, specifically Figure 2. "Figure 2 shows a bottom view of a chest compression device that uses a belt to perform compressions." (Page 4, ll. 6-7). Figure 2 is a bottom view, not a top view as assumed by the examiner in the rejection. With a proper understanding of Figure 2, Figure 5 as amended informs the understanding of the specification and the claims and obviates the rejection of the specification as well as the 35 U.S.C. § 112, first paragraph rejection of claims 2 through 30.

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claim 7 is amended to depend from claim 6 which provides antecedent basis for the cover plate of claim 7.

Claims 2 through 4, 6, 7, 9, 14, 15, 21, 22, 29 and 30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sherman et al., Modular CPR Assist Device, U.S. Patent 6,066,106 (May 23, 2000) in view of Cantrell et al., Chest Mounted Cardio

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Pulmonary Resuscitation Device and System, U.S. Patent Publication 2001/0011159 (August 2, 2001). This rejection is traversed. The Supreme Court in KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, identified that "it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." The Court further stated, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." With respect to independent claims 2, 21 and 29, the Examiner has not provided any rational articulated motivation to combine the belt cartridge of Sherman with the strap belt of Cantrell.

Referring to dorsal backstrap 70, Cantrell teaches against the cable configuration of Sherman. The wide middle section of Cantrell is designed to engage the dorsal area of a patient, narrow straps 72 only engage buckles which engage compression device 40, not the strap winding shaft 150. This is contrary to the configuration of Sherman in which the wide load section of the belt engages the ventral chest and the narrow cable engages the drive spool. An additional aspect of Cantrell that makes it a poor choice for obviating the claimed invention is the pocket formed by first piece 74 and second piece 75 and filled with stiffeners 76 and 77. Strap 70 is between the pocket/stiffeners and the patient contrary to the illustration of Figure 5 with the patient and the housing within the belt. Cantrell would not be a good choice for modification because the return spring 90 requires its support (stiffeners 76 and 77) to be outside of belt 70. Thus, the rejection with respect to independent claims

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2, 21 and 29 should be withdrawn. Dependent claims 3, 4, 6, 7, 9, 14, 15, 22, and 30 depend from independent claims 2, 21 and 29 and thus the rejections with respect to them should be similarly withdrawn.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Sherman et al. in view of Cantrell et al. and further in view of Meister, Artificial Respirator, U.S. patent 2,486,667 (Nov. 1, 1949). Claim 8 is dependent on claim 3 which is dependent on independent claim 2 which rejection was overcome above. Thus this rejection should be withdrawn.

This rejection is also traversed. The Examiner is ignoring the limitation of claim 8 that requires the pad to be attached to the first load distribution section which is located on the front chest of a patient. As above, the Examiner provides no rational articulated reasoning for a person having ordinary skill in the art of mechanical blood circulation apparatus selecting or combining Meister which is an apparatus for performing ventilation with the strap located around a patient's diaphragm. Meister's diaphragm strap is hardly analogous to mechanical CPR with a strap around a patient's rib cage. The pads of Meister are taught to be located on opposite sides of the back of a patient, not over the sternum of a patient.

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Sherman et al. in view of Cantrell et al. and further in view of Kuroshaki et al., Inflatable Cuff used for Blood Pressure Measurement and Automatic Blood Pressure Measuring Apparatus Including Inflatable Cuff, U.S. patent 5,660,182 (Aug. 26, 1997). Claims 13 and 14 are dependent on claim 3 which is dependent on independent claim 2 which

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rejection was overcome above. Thus this rejection should be withdrawn.


This rejection is also traversed. As discussed above the examiner has provided no rational articulated reasoning why a person having ordinary skill in the art seeking an inelastic strap as discussed in the specification at page 15, line 25, would consider a blood pressure cuff which is inflatable and elastic as taught by Kuroshaki at column 3, lines 1 through 13. Kuroshaki does not teach or suggest use with an inelastic strap and thus would not be considered alone or in combination with the other cited art. This rejection should be withdrawn.

#### Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

Date: September 4, 2007

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